

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Kane Duane Pudwill,)	Case No. 4:13-cr-033
)	
Defendant.)	

Before the court is a “Motion to Reconsider Order of Detention” filed by defendant on December 9, 2016. For the reasons set forth below, the motion is denied.

On November 16, 2016, defendant appeared before the undersigned on a petition alleging that he had violated conditions of his supervised release. The court conditionally released him pending a revocation hearing on December 2, 2016. The revocation hearing was continued until January 9, 2017.

On December 1, 2016, defendant again appeared before the undersigned , this time on an amended petition charging him with an additional violation while on release awaiting his revocation hearing. The court ordered him detained with the caveat it might revisit its decision if treatment options become available. (Doc. No. 489).

On December 9, 2016, defendant filed a motion requesting that the court reconsider its detention order and release him to Hope Manor in Bismarck, North Dakota. On December 10, 2016, the Government filed a response in opposition to the motion.

The court is not inclined to grant defendant’s request given: (1) his continued struggles with substance abuse; (2) his endurance of only two weeks of forced sobriety since last appearing before

the court; (3) his history of noncompliance with court orders; (4) the fact that his revocation hearing is less than four weeks away; and (5) the judgment of the supervising probation officer that Hope Manor, which is not a treatment facility, does not provide the structure that defendant needs at this time. Accordingly, defendant's motion (Docket No. 491) is **DENIED**.

IT IS SO ORDERED.

Dated this 14th day of December, 2016.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court.